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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,257	08/05/2003	Masami Tamura	4041J-000745	3814
27572	7590	05/26/2006		EXAMINER
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303				WALTERS, JOHN DANIEL
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/634,257	TAMURA ET AL.
Examiner	Art Unit	
John D. Walters	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 April 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) 5-7 and 13 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,8-12 and 14-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 April 2006 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claims 1 – 4, 8 – 12 and 14 – 20 have been examined. Claims 5 – 7 and 13 have been withdrawn by Applicant via an election requirement.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Omote (JP358199211A). Omote discloses an automotive atmosphere duct comprising:

- a grill (Fig. 2, item 2);
- a heat exchanger (Fig. 2, item 5);
- said heat exchanger including a core portion (Fig. 2, lower and mid portion of item 5);
- said heat exchanger including a tank (Fig. 2, upper portion of item 5);
- said tank being connected to a top end of said core portion (Fig. 2);
- a cover member including a wall (Figs. 1 and 2, item 13);
- said cover member including a first end adjacent to a boundary between the core portion and the tank (Fig. 2, item 13);

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- said cover member including a second end opposite said first end (Fig. 2, item 13);
- said cover member directing foreign materials away from said tank (Fig. 2, item 13);
- said cover member extending over an entire width of said tank (Fig. 1, item 13);
- said cover member being fixed to a frame that supports said heat exchanger (Figs. 1 and 2, item 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 8 – 10, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omote (JP358199211A). Omote discloses an automotive atmosphere duct as described above. Omote does not disclose the composition of said tank. However, as official notice was taken and no traversal was forthcoming, it is taken as admitted prior art to make use of resin material in general, and nylon 66 in particular, in the manufacture of said tank.

Claims 18 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omote (JP358199211A) as applied to claims 1, 2, 8 – 10, 14, 16 and 17 above, and

further in view of Ohkura (6,405,819). Omote does not disclose the inclusion of a second heat exchanger. Ohkura, however, discloses a vehicle cooling structure comprising:

- a first heat exchanger, i.e. a radiator (Fig. 12, item 5);
- a second heat exchanger, i.e. a condenser (Fig. 12, item 61).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the double heat exchanger system of Ohkura with the duct of Omote in order to provide access to inflowing cooling air to additional engine components which would benefit from said cooling air, i.e. an air conditioner condenser.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omote (JP358199211A) as applied to claims 1, 2, 8 – 10, 14, 16 and 17 above, and further in view of Ide et al. (4,485,882). Omote does not specifically disclose the attachment mechanism between a cover member and a frame. Ide, however, discloses an engine compartment comprising:

- machine screws, clips, or similar connecting members (Fig. 2, item 16).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have integrally formed protrusion/aperture connecting members as component fasteners.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to place the protrusion or aperture on said cover member or

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said frame. The alternation of said locations is an obvious variation to one of ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the connecting members of Ide with the duct of Omote in order to provide a quick and secure fastening means.

Response to Arguments

Applicant's arguments, see page 10, filed 3 April 2006, with respect to the specification have been fully considered and are persuasive. The objection of 14 December 2005 has been withdrawn.

Applicant's arguments, see page 11, filed 3 April 2006, with respect to the drawings have been fully considered and are persuasive. The objection of 14 December 2005 has been withdrawn.

Applicant's arguments, see pages 11 – 14, filed 3 April 2006, with respect to the rejection(s) of claim(s) 1 – 4, 8- 12, 14 and 15 under 35 U.S.C. § 102 & 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a reexamination of the prior art of record in relation to the claims, as amended.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Ozawa et al. (6,883,589) disclose a front end structure;
- Suwa et al. (6,880,655) disclose an air-intake structure;
- Horiuchi (6,874,570) discloses an integrated heat exchanger;
- Mashio et al. (6,199,622) disclose a connecting structure for connecting a radiator and condenser;
- Freeland (5,551,505) discloses a heat exchanger inlet duct;
- Yamada (4,646,863) discloses a front end structure;
- Peter (4,566,407) discloses cooling arrangement for an automotive vehicle;
- Suzuki (JP404015124A) discloses a cooling air take-in structure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John D. Walters
Examiner
Art Unit 3618

JDW



CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600





FIG. 7 PRIOR ART

Recom'd for
Brody.
JUL 22 May 86

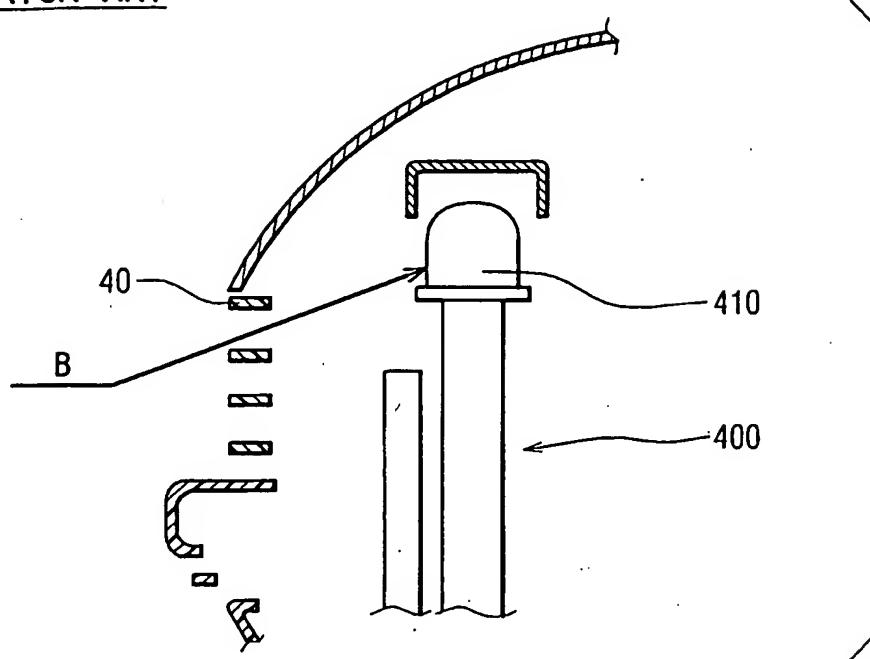


FIG. 8 PRIOR ART

